

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PEDRO ROSSELLÓ ET AL.,
PLAINTIFFS

VS.

BROWN & WILLIAMSON ET AL.,
DEFENDANTS

Civil Case Number:
97-1910 (JAF)

MOTION TO STRIKE PLAINTIFF BEKENTON'S PLEADING STYLED "MOTION"

TO THE HONORABLE COURT:

COME NOW THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL AND ITS PRESIDENT, THE HON. STEPHEN A. CARTER, NON-PARTIES, by special appearance through the undersigned counsel, and without submitting to the jurisdiction of this Court, **PURSUANT TO RULE 7.1 OF THE LOCAL RULES OF THE DISTRICT OF PUERTO RICO MOVE THIS HONORABLE COURT TO STRIKE THE PLEADING STYLED A MOTION BY PLAINTIFF BEKENTON (DOCKET # 252)**, and hereby respectfully state and pray:

Bekenton previously filed a pleading that was very similar to Docket # 252, but styled as a Complaint (Docket # 248), against these same two non-parties. The Court struck that pleading in an Order dated August 4, 2004, stating, “[t]his document is properly a new case and must be filed as such. Denied and stricken without prejudice.” (Docket # 250). This new pleading, by being filed as a motion in the same case and not as “a new case,” does not comply with the Court’s Order. Further, as noted in Defendant’s Motion to Dismiss the Pleading Styled a “Complaint” (Docket # 249), neither NAAG nor Steven Carter are parties to this case and thus neither Defendant can be required to respond to a motion in this action.

Thus, Defendants move to strike the pleading styling a Motion on the same ground that the prior pleading styled a Complaint was struck by this Court.

WHEREFORE, the specially appearing non-parties move this Honorable Court to **STRIKE** Plaintiff Bekenton’s Motion for Declaration and Enforcement of Certain Terms of the

Master Settlement Agreement.

RESPECTFULLY SUBMITTED this August 12, 2005 in San Juan, Puerto Rico.

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Special Appearance as Counsel for the National Association of Attorneys General and its President, the Hon. Stephen Carter

S/ Gina Ismalia Gutiérrez-Gálang
Gina Ismalia Gutiérrez-Gálang, #218513
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I HEREBY CERTIFY that on August 12, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Benjamin Acosta, Jr, Salvador Antonetti-Zequeira, Francisco A. Besosa, Heriberto J. Burgos-Perez, Edgardo Cartagena-Santiago, Jose A. Fuentes-Agostini, William A. Graffam, Manuel A. Guzman-Rodriguez, Paul H. Hulsey, Juan A. Ramos-Diaz, Hector Reichard-Jr., Vicente Santori-Coll, Francisco M. Troncoso, Richard Schell-Asad, Eric A. Tulla.**

S/ Gina Ismalia Gutiérrez-Gálang